

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CURTIS STEWART,

Plaintiff,

v.

ANNE L. PRECYTHE, et al.,

Defendants.

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No. 4:19-cv-1075-JCH

MEMORANDUM AND ORDER

This matter is before the Court upon review of an amended complaint filed by plaintiff Curtis Stewart, an inmate at the Eastern Reception, Diagnostic and Correctional Center. For the reasons discussed below, the Court will transfer this action to the United States District Court for the Western District of Missouri.

Background

Plaintiff filed the original complaint against Anne L. Precythe (the Director of the Missouri Department of Corrections) and Stan Payne (the ERDCC Warden). He sought and was granted leave to proceed *in forma pauperis*. In the complaint, he appeared to seek relief on behalf of himself and his fellow inmates. His claims were based upon the procedure by which inmate cell change requests were considered, and he alleged that violations occurred at unspecified times at ERDCC, Crossroads Correctional Center, Southeast Correctional Center, Jefferson City Correctional Center, and South Central Correctional Center. Upon initial review, the Court determined that the complaint was defective, and gave plaintiff the opportunity to file an amended complaint.

Plaintiff filed the amended complaint pursuant to 42 U.S.C. § 1983, and again named Precythe and Payne as defendants. However, he added three defendants who are employed at the Crossroads Correctional Center: Warden Ronda Pash, and correctional officers Heather Haynes and Jeannie Freelin. He also indicated there were “John Doe” defendants to be identified later. As in the original complaint, plaintiff sets forth conclusory allegations concerning the procedure by which inmate cell move requests are handled. However, he also specifically claims that his constitutional rights were violated on December 5, 2017 while he was incarcerated at the Crossroads Correctional Center. In support, he alleges that Haynes and Freelin did not allow him to move to a different cell, even though he complained about his cellmate. He also alleges that his cellmate told Haynes and Freelin that “if they didn’t move one of us it’s going to be problems,” but they disregarded the threat. Plaintiff alleges that, as a result, his cellmate attacked him, causing him to suffer injuries to his back, jaw and ribs. He alleges that Freelin subsequently removed him from the cell, and placed him on a restraint bench.

Discussion

The events giving rise to plaintiff’s claims occurred at Crossroads Correctional Center in Cameron, Missouri, which is located in De Kalb County, in the Western District of Missouri judicial district. *See* 28 U.S.C. § 105(b)(3). Under 28 U.S.C. § 1391(b), an action of this type may be brought in: “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.”

“For the convenience of parties and witnesses, in the interests of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). Here, plaintiff’s claims for relief arise from events that occurred during his incarceration in a facility located in the Western District of Missouri. Additionally, four of the defendants, and presumably all of the witnesses, are located there. Therefore, the Court concludes it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri for all further proceedings. The Court will take no action regarding plaintiff’s pending motion, as it most appropriately considered by the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri.

Dated this 24th day of March, 2020.

\s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE